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GOVERNMENT OF ASSAM

THE INDIAN ELECTRICITY

(ASSAM AMENDMENT)

ACT, 1973*

(Assam Act IX of 1973)

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[Received the assent of the President on the 26th April, 1973]

An Act to amend the Indian Electricity Act, 1910 in its application to the territory comprised within the State of Assam

Preamble. Whereas it is expedient to amend the Indian Electricity Act, 1910 (Central Act 9 of 1910), hereinafter called the principal Act, in its application to the territory comprised within the State of Assam in the manner hereinafter appearing;

It is hereby enacted in the Twenty-fourth Year of the Republic of India as follows:

COMMENTS

Preamble. The Indian Electricity Act, 1910, was enacted to make the law relating to the supply and use of electrical energy. This central Act has now been amended in its application to the territory comprised within the State of Assam.

1. Short title, extent and commencement.

- (1) This Act may be called the Indian Electricity (Assam Amendment) Act, 1973.
- (2) It shall extend to the State of Assam.
- (3) It shall be deemed to have come into force on the 27th day of September, 1972.

2. Amendment of S.5.

In S. 5 of the principal Act, in sub - S. (2) -

- (i) for the words “the purchase price of the undertaking”, the words “an amount” shall be substituted;
- (ii) the words, brackets, figure and punctuation marks “or as the case may be, in sub-S. (3) of that section” shall be deleted.

COMMENTS

Sub-section (2) of S. 5, as amended by this Amendment Act, now reads as follows :-

“(2) Where an undertaking is sold under sub-S (1), the purchaser shall pay to the licensee an amount in accordance with the provisions of sub-Ss (1) and (2) 7-A.

3. Amendment of S. 6.

In S. 6 of the principal Act in sub- S. (7) -

- (i) for the words “the purchase price”, the words “an amount” shall be substituted;
- (ii) for the words, brackets and figure “sub-S. (4)”, the words, brackets, figures and punctuation mark “sub-Ss. (1), (2) and (3)” shall be substituted.

COMMENTS

Sub-section (7) of S. 6, as amended by this amendment Act, now reads as follows:

“(7) Where an undertaking is purchased under this section, the purchaser shall pay to the licensee an amount

determined in accordance with the provisions of sub-S. (1), (2) and (3) of S. 7-A.”

4. Substitution of S. 7-A.

For S. 7-A of the principal Act, the following section shall be substituted, namely:

“7-A. Determination of amount payable.

- (1) Where an undertaking of a licensee is sold under sub-S (1) of S. 5 or purchased under S. 6, the amount payable for the under taking shall be the book value of the undertaking at the time of purchase or where the undertaking has been delivered before the purchase under sub-S. (3) of S. 5, at the time of delivery of the undertaking.
- (2) The book value of an undertaking for the purpose of sub-S. (1) shall be deemed to be the depreciated book value as shown in the audited balance-sheet of the licensee under the law for the time being in force, of all lands, buildings, works, materials and plant of the licensee, suitable to and used by him for the purpose of the undertaking, other than (i) a generating station declared by the licensee not to form part of the undertaking for the purpose of purchase, and (ii) service lines or other capital works or any part thereof which have been constructed at the expense of the consumers, but without any addition in respect of compulsory purchase or of goodwill or any profits which may be or might

have been made from the undertaking or of any similar consideration.

- (3) Notwithstanding anything contained in any license or any instrument, order, agreement or law for the time being in force in respect of any additional sum by whatever name may it be called, payable to a licensee shall be entitled only to a *solatium* of ten per centum of the book value as determined under sub-Se. (1) and (2) for compulsory purchase of his undertaking under S 6.
- (4) No provision of any Act for the time being in force including the other provisions of this Act and of any rules made there under or of any instrument including license have effect by virtue of any of such Acts or any rule made there under, shall, in so far as it is inconsistent with any of the provisions of this section have any effect.

COMMENTS

Section 7-A of the Indian Electricity Act, 1910, has been substituted by this Assam Amendment Act, and the substituted section read as follows:

“7-A. Determination of purchase price.

- (1) Where an undertaking of a licensee not being a local authority, is sold under sub. S. (1) of S. 5,

the purchase-price of the undertaking shall be the market value of the undertaking at the time of purchase or where the undertaking has been delivered before the purchase under sub-S. (3) of that section, at the time of delivery of the undertaking and if there is any difference or dispute regarding such purchase - price, the same shall be determined by arbitration.

- (2) The market value of an undertaking for the purpose of sub-S. (1) shall be deemed to be the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him, for the purpose of the undertaking, other than (i) a generating station declared by the licensee not to form part of the undertaking for the purpose of purchase, and (ii) service constructed at the expense of consumers, due regard being had buildings, works, materials and plant and the state of repair thereof and to the circumstances that they are in such position as to be ready for immediate working and the suitability of the same for the purpose of the undertaking, but without any addition in respect of compulsory purchase or of goodwill or of any profits which may be or might have been made from the undertaking or of any similar consideration.
- (3) Where an undertaking of a licensee, being a local authority, is sold under sub-S (1) of S.5, the purchase-price of the undertaking shall be such as the State Government, having regard to

the market value of the undertaking at the date of delivery of the undertaking, may determine.

- (4) Where an undertaking of a licensee is purchased under S.6, the purchase-price shall be the value thereof as determined in accordance with the provisions of sub-Ss. (1) and (2):

Provided that there shall be added to such value such percentage, if any, not exceeding twenty per centum of that value as may be specified in the license on account of compulsory purchase.”

5. Repeal and savings.

- (1) The Indian Electricity (Assam Amendment) Ordinance, 1972 (Assam Ordinance VII of 1972) is hereby repealed.
 - (2) Notwithstanding such repeal and notwithstanding any judgment, decree or order of any court or tribunal, any action taken or purported to have been taken or anything done or purported to have been done, or any right, obligation or liability acquired or incurred, by or on behalf of the Government of Assam or the Assam State Electricity Board, in pursuance of the provisions of the Indian Electricity (Assam Amendment) Ordinance, 1972 (Assam Ordinance VII of 1972), shall be deemed to have been taken, done, acquired or incurred under the corresponding provisions of this Act, by or on behalf of the Government of Assam or the Assam State Electricity Board, as the case may be.
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